

**Senator Chuck Grassley
Questions for the Record**

Lisa O. Monaco, Nominee to be Assistant Attorney General (National Security)

1. Please provide the Committee with detail on the positions you have held within the Department of Justice and how they qualify you to be an Assistant Attorney General as head of the National Security Division.

Throughout the positions I have held at the Department of Justice, first as a line prosecutor and later during my time at the Federal Bureau of Investigation (FBI), I have gained national security experience from both an operational and prosecutorial perspective. As an Assistant United States Attorney (AUSA), I learned the value of rigorous analysis and legal argument and how to build and prosecute an effective criminal case. Since 2006, I have devoted the vast majority of my time to working on national security issues, first at the FBI, as Special Counsel and then as Chief of Staff to the Director, and later at the Deputy Attorney General's Office as an Associate Deputy Attorney General and then as the Principal Associate Deputy Attorney General. I have developed expertise in the area of national security by working on intelligence investigations, national security-related and other criminal investigations and prosecutions, and other legal, operational and policy challenges relating to the Department's national security mission.

At the FBI, I provided advice and guidance to Director Mueller on a range of national security matters and worked with the FBI's leadership team to develop the FBI's National Security Branch and to further the integration of intelligence across all facets of that organization. I helped manage the Bureau's national security assets and worked to advance the FBI's transformation from a law enforcement agency to a national security organization focused on preventing terrorist attacks. Among other things, I gained an understanding of and appreciation for, the FBI's national security program and operations, the Bureau's role as an element of the intelligence community, and the importance of FISA as an intelligence collection tool from which the whole intelligence community benefits. During my tenure at the FBI, I gained firsthand experience working within the Intelligence Community to understand the role that effective and coordinated intelligence operations play in safeguarding our nation's security.

In the Deputy Attorney General's Office, I have helped to supervise the national security functions of the Department, including the National Security Division (NSD), United States Attorneys Offices, the FBI and components of the Drug Enforcement Administration. I have worked with partners in the intelligence community and in the interagency process and have developed an understanding of the national security architecture of the federal government. In my career working with agents, analysts and lawyers across the government I have developed an appreciation of the challenges confronting national security professionals and prosecutors as they pursue their mission of developing intelligence, sharing information, and working together to disrupt national security threats and protect the nation. As a result of all these experiences, I have gained a

broader understanding of the range and complexity of national security issues confronting the Department's components and United States Attorneys Offices as well as the importance of striking the appropriate balance of intelligence community equities, legal requirements and prosecutorial interests.

As a lawyer as well as a national security official, I have a keen appreciation of the significant threats we face as a nation and the importance of effectively addressing those challenges in a manner that promotes the nation's security while also preserving our fundamental rights and liberties. I understand the importance of using all tools in order to combat the national security threats we face and of doing so consistent with statute, executive order, relevant regulations, and the Constitution. Drawing on my experience as a prosecutor as well as the perspective I have gained at the FBI and with the Department of Justice working on the operational aspects of national security investigations, I will exercise independent judgment in managing the Department's national security functions while ensuring that the Division's activities are properly coordinated with the nation's other national security activities when appropriate. I will do the same in providing advice to and advancing partnerships with the Division's partners within the intelligence community and in working cooperatively with congressional oversight committees.

2. At your hearing, I asked if you agreed with the sentiment that because there is not an enemy state against which such a war can be waged, the very notion of a "war" on terror is at best a public relations expression. In the alternative, I asked if you believed the United States is engaged in a war on terror. You replied "I believe we are at war and I believe we are at war against determined enemy and a very adaptable enemy, and that's been my experience in the time that I've served in the FBI and in the department."

- a. With whom do you believe we are at war?

Pursuant to the Authorization for the Use of Military Force enacted by the Congress in September 2001, the United States is engaged in hostilities with Al Qaeda, the Taliban and associated forces.

- b. Why do you describe the enemy as an "adaptable enemy?"

I describe them as an adaptable enemy because over time, and as has become publicly known, Al Qaeda and those who are inspired by it, have evidenced evolving tactics in their recruitment, planning, operations, and operational security. Throughout this time, the threat environment has become increasingly complex, encompassing terrorist plots, espionage, and sophisticated cyber intrusions from state and non-state actors.

- c. If confirmed as Assistant Attorney General, what will you do to support this war and to respond to adaptations made by the enemy?

If confirmed as Assistant Attorney General for National Security, I will work to ensure that agents, analysts, and prosecutors share information and use all lawful tools to detect national security threats mindful of the need to ensure that our tools keep pace with the threat we face and that they are used in a manner consistent with the rule of law. Among other things, the Assistant Attorney General for National Security has the responsibility, pursuant to designation from the Attorney General, to approve applications to the Foreign Intelligence Surveillance Court and to approve the use of information from FISA warrants in criminal and other contexts. If confirmed, I will lend my support, and legal guidance to these and other efforts to ensure that the advances achieved through authorities like the PATRIOT Act, the FISA Amendments Act and other tools are not diminished. My guideposts in this regard will be to ensure clarity, stability and flexibility for agents and operators in the field and the prosecutors who work with them consistent with the laws and the Constitution.

3. In a talk you gave to a class at American University you recommended two books for the class to read. One of these books was *Terror and Consent* by Professor Phillip Bobbitt. In the introduction to his book, Professor Bobbitt writes: “Among well-informed persons, a number of dubious propositions about twenty-first century terrorism and the Wars against Terror are widely and tenaciously held.” He then lists a number of the assumptions he believes are dubious. I am interested in knowing your views on several of these assumptions. Please respond to the following questions:

In my remarks to a group of undergraduate students in an International Affairs class at the American University I referred to two books that had recently been released: Terror and Consent, by Phillip Bobbitt; and Law and the Long War, by Benjamin Wittes. I have not reread either book but my recollection is that I mentioned these books in order to encourage a group of college students interested in international and current affairs to seek out and expose themselves to a range of approaches – historical and analytical -- to the complex issues of terrorism and security.

- a. Do you believe “that because terrorism will always be with us, there can be no victory in the war against terror”?

I have not reviewed the portions referenced above but, as a general matter, I understand that there have been examples of terrorist movements throughout history, including of course the goal of al Qaeda to establish a global Islamic caliphate. Although the war on terror is not likely to end like past wars that does not mean that terrorist movements cannot be disrupted and degraded. Since September 11, 2001, the United States has made substantial progress in addressing the threat posed by al Qaeda, the Taliban and associated forces. The leadership and operational capabilities

of al Qaeda have been degraded and it should be our goal to continue to apply all instruments of national power to detect, deter and disrupt the terrorist threat.

- b. Do you believe “that because terrorism is only a means to an end... ‘one man’s terrorist is another man’s freedom fighter’”?

I have not reviewed the portion referenced above or the context in which it appears, but as a general matter, I believe terrorism can fairly be described as the use of violence and assassination to intimidate governments and civilian populations and that terrorists or terrorist organizations are so designated because they engage in terrorist activity or threaten the security of United States nationals or the security of the United States. I do not believe that violence or assassination to intimidate civilian populations should be justified as a “freedom fight.”

- c. Do you believe “that terrorism is best treated as a problem of crime, by law enforcement officials, and not as a matter for defense departments, which are inappropriate when there are no battlefield lines or armies to confront...”?

I have not reviewed the portion referenced above or the context in which it appears, but as a general matter, I believe that we must bring to bear all instruments of national power against the terrorist threat and use whatever tool works best -- military, intelligence, prosecution (military or civilian), diplomatic -- in order to disrupt and incapacitate a particular threat. Sometimes that tool will be law enforcement and the criminal justice system, sometimes that tool will be a military prosecution, sometimes that tool will be the use of military or intelligence assets.

- d. Do you believe “that terrorists ‘win’ if they are able to force government to enhance their power of detention, surveillance, and information collection or if the citizenry significantly modifies its everyday behavior”?

I have not reviewed the portion referenced above or the context in which it arises, but as a general matter, I do not believe terrorists “win” in these circumstances. I believe that we must ensure that we use all lawful means to disrupt national security threats and we must do so consistent with the Constitution and the laws of the United States. If confirmed, my priority will be to ensure that if there are new tools that can be brought to bear that are consistent with the Constitution, we explore them and work with Congress to ensure that those on the front lines have the tools they need.

- e. Do you believe “that the root causes of terrorism lie in conditions of poverty, economic exploitation, neglect of health and education, and religious indoctrination that must be reversed before a war against terrorism can be won?”

I have not reviewed the portion referenced above or the context in which it appears, but it seems reasonable to me that a number of the factors could contribute to a particular terrorist threat or movement.

4. In all of the outlines you provided the Committee on talks you have given on national security issues you include a section concerning “balancing national security and civil liberties.”

- a. Do you believe that an appropriate balance has been struck between national security concerns and civil liberties?

Agents, analysts and prosecutors who work every day to protect us from national security threats do so pursuant to the authorities Congress has given them under the Constitution. I believe these authorities reflect an effort to strike a balance between the imperative of protecting national security interests of the United States on the one hand and the importance of doing so consistent with the fundamental rights guaranteed under the Constitution. Through carefully crafted authorities, compliance efforts within the Executive Branch and robust Congressional oversight of those compliance efforts, I believe we have been able to strike the right balance over time. As the threat continues to evolve, and technology develops that better enables us to detect and disrupt threats while at the same time providing new tactics and capabilities to those who would do us harm, we must be constantly vigilant in our efforts to maintain that balance.

- b. What, if any, reforms do you think are necessary for the protection of privacy and civil liberties?

As noted above, as a general matter I believe we have been able to strike a balance over time in protecting security and guarding the privacy and civil liberties of the American people. As the threat continues to evolve, and as technology develops that better enables us to detect and disrupt threats while also providing new tactics and tools to those who would do us harm, I believe it is important that Congress and the Executive Branch continue to be vigilant in working together to develop tools that enable us to keep pace with the threat while ensuring that that balance is maintained.

5. At your hearing, I asked you about the 1995 Gorelick memo which established a wall between the criminal investigators and the intelligence community. I specifically asked whether or not you were involved in any subsequent review, revision or implementation of the memo. You replied that you didn’t believe so, but would give that question more thought. Do you have anything to add to the response you gave at your hearing?

No.

6. At your hearing, I asked if you support the permanent extension of PATRIOT Act provisions which are soon to expire – the “lone wolf” provision, the roving wiretaps provision, and the business records provision. You responded that you “think we need to have those provisions reauthorized for a substantial period of time in order to give stability and clarity to our agents in the field who need those tools quite essentially.” Do you disagree with FBI Director Mueller’s testimony that these should be permanent?

In my testimony I intended to convey the critical importance to the nation’s national security efforts of the PATRIOT Act reforms and, in particular, the need to reauthorize for a substantial period the three provisions currently set to expire next month. I understand and agree with Director Mueller’s desire to provide the agents of the FBI with clarity and stability in the tools they use through a permanent reauthorization of these critical tools. If Congress determines that it should revisit these authorities, and if I am confirmed as the Assistant Attorney General for National Security, I will work with Congress to ensure that the operators charged with detecting and disrupting threats have the tools they need to do so consistent with the rule of law.

7. You worked for the FBI for years, providing advice and making decisions on national security issues. Have the three provisions referenced above (lone wolf, roving wiretaps, business records) been useful to the FBI to prevent terrorist attacks in the United States? Please explain how you would use these tools if confirmed as an Assistant Attorney General.

Based on my experience, the three expiring provisions are critical tools that have given national security investigators many of the same capabilities that have long been available to criminal investigators. For instance, the roving wire tap provision has permitted investigators to track spies and terrorists who are trying to evade surveillance and the business record provision has permitted investigators access to key documents and data in national security, espionage and terrorism cases. The lone wolf provision, although not used to date, permits investigators to keep up with the growing threat of the lone or self-radicalized offender. If I am confirmed, my job would be to ensure that these tools are used aggressively and appropriately – and with full court review and approval. If confirmed, I would have the responsibility of approving, pursuant to Attorney General designation, applications to the Foreign Intelligence Surveillance Court, including applications for the use of these and other tools.

8. If these three provisions are not reauthorized, or if they are substantially weakened by including new requirements, what would be the consequence for agents in the field? What would be the general effect on national security investigations?

If these provisions are not reauthorized or are substantially weakened, agents in the field would be deprived of vital investigative tools, and their efforts to detect terror threats and

ferret out espionage actors and to protect the national security would be impeded. This would have a potentially devastating effect on national security investigations.

9. Three other tools which are not set to expire and do not need reauthorization are the Foreign Intelligence Surveillance Act (FISA) pen register and trap-and-trace orders, national security letters, and delayed notice search warrants.

- a. The FBI regularly uses pen register and trap-and-trace authority in both national security and criminal areas. Do you believe increased legal burdens to obtain these investigative tools are needed?

I do not believe there is a need to increase the legal burdens to use these tools. I would want to ensure that any changes to the legal standards governing the use of this authority not adversely affect its operational effectiveness.

- b. Legislation has been introduced that would increase the legal standard for FISA pen registers, while keeping the criminal legal standard lower. Do you support increasing the legal standard for national security pen registers while keeping the criminal standard unchanged?

I have not reviewed any specific legislative proposal in this regard, but as a general matter, I would be concerned about any effort to increase the legal standard on the use of the FISA pen register tool. I would want to ensure that any changes did not adversely affect its operational effectiveness and would want to consult with agents and operators in that regard. This tool is utilized with full court authority and approval to establish non-content information in order to demonstrate probable cause for other more intrusive investigative steps where warranted.

- c. If the legal standards are modified, to make FISA pen registers more difficult to obtain than criminal pen registers, would this create incentive for law enforcement to use a criminal pen registers and not FISA pen registers?

Increasing the standard for obtaining FISA pen registers could conceivably increase the likelihood that investigators would use criminal pen registers instead.

- d. Please describe your view on the use of National Security Letters as part of the building blocks of a national security investigation.

National Security Letters are essential to many national security investigations. They are used to obtain transactional and subscriber information – not content – in order to permit national security investigators to identify threats and, as importantly, to rule out potential threats thereby conserving and focusing investigative and agent resources. Important reforms have been put in place in recent years – both at the FBI and within the Department of Justice -- to review and monitor the use of NSLs, to ensure the proper predication exists and is documented, and to report to Congress on their use. These reforms have strengthened this vital national security tool.

- e. What is your view on imposing a sunset on National Security Letters?

NSLs have never had a sunset requirement; I do not believe a sunset is necessary for the reasons described above. Should Congress decide to impose a sunset, and if I am confirmed, I would want to work with Congress to ensure that agents and prosecutors continue to have this vital national security tool and that it is used consistent with the laws of the United States.

- f. Please describe your view on the use of Delayed Notice Search Warrants as a national security tool.

Delayed notice search warrants are an important national security tool. As in the criminal context, they can be used when it is important to maintain operational security and secrecy regarding a particular investigative step. This can be particularly important when the target of the investigation or search is a terrorist suspect, foreign intelligence officer or spy.

- g. Is there any necessity for, or advantage to be obtained, in decreasing the delay period for Delayed Notice Search Warrants?

I am not aware of any necessity or advantage to investigators to decreasing the period of delay in the use of this tool. As I understand it, when seeking authority for a delayed notice search warrant, the government must make a showing to the court to establish the necessity for a particular period of delay permitted within the statute. The court has the discretion to grant that request or to grant a period of delay that is less than the maximum allowable period permitted by statute.

10. Regarding the Electronic Communications Protection Act (ECPA) – the Digital Due Process Coalition supports a probable cause standard for obtaining *all* electronic communications, regardless of its age, the location or storage facility, or the provider’s access to the information.

- a. Do you support raising the legal standard for obtaining electronic communications to a “probable cause” determination?

I have not reviewed any particular legislative proposal in this regard, but speaking generally, I would be concerned with an increase in the legal standard for obtaining electronic communications and would want to ensure that any change not adversely affect operational effectiveness. As noted above, NSLs (some of which are issued under ECPA) form the building blocks of national security investigations under a relevance standard. This is vital to the ability of national security investigators to obtain information that forms the basis for probable cause and to further national security investigations.

- b. Do you believe the legal standard to obtain information through a pen register or trap-and-trace order should be increased to probable cause or 2703(d) standard?

No, for the reasons described above.

- 11. With the advancement of technology, the gap is widening between what the courts authorize under the Communications Assistance for Law Enforcement Act and what communications companies are capable of providing.

- a. Please comment on your understanding of the gap between capability and current legal authority.

Based on my experience working with law enforcement and the intelligence community for the last several years, my understanding is that the advance of technology has created a gap between law enforcement's ability to access and obtain information to which it is legally entitled and the information it is technically able to obtain. This gap has impeded investigators' ability to obtain information to which they are entitled pursuant to court order and has slowed national security investigations.

- b. Would you agree that the Communications Assistance for Law Enforcement Act needs updating?

I agree that Congress and the Executive Branch should work together to ensure that investigators can effectuate the authority given to them by Congress and the courts. Whether that takes the form of updates to the Communications Assistance for Law Enforcement Act (CALEA) or another mechanism, if I am confirmed I will make it a priority to work with Congress in this regard.

- c. If Congress does not pass a law requiring corporate compliance, what will happen to the ability to collect what a judge has ordered them to get?

If the increasing inability to effectuate current legal authorities is not addressed, and as technology advances, law enforcement will likely continue to lose the ability to access information to which a court has granted to them lawful access. This will pose further challenges for law enforcement and national security investigators and make it more difficult to detect, deter and disrupt threats.

- d. Are you concerned about the possibility of law enforcement “going dark?” How would “going dark” affect terrorism investigations?

For the reasons described above, as a former federal prosecutor and as a national security professional, I am concerned about the inability of law enforcement and national security investigators to access information to which a court has granted them lawful access. This problem has been described as the “going dark” problem. As terrorists and spies increasingly use new modes of communication there is greater risk that national security investigators will not be able to access critical pieces of information to prevent terrorist attacks despite having legal authority to obtain such information.

- e. If confirmed, will you work with Congress to find a legislative solution to this problem?

If I am confirmed, I will welcome the opportunity to work with Congress to identify solutions to this critical national security problem.

12. You previously worked as Counsel and Chief-of-Staff to the FBI Director. The FBI was recently criticized by the Homeland Security and Government Reform Committee, (HSGAC) in a committee report addressing the lessons learned from the Fort Hood shootings by Major Nidal Hasan. The report recommended that the FBI “more convincingly share information and coordinate operations with other federal, state, and local agencies.”

- a. If you received information that the FBI is not sharing information with federal prosecutors, what is the responsibility of the National Security Division Assistant Attorney General? What would you do to fix the problem?

The responsibility of the Assistant Attorney General (AAG) for National Security is to ensure a coordinated approach to national security investigations working with the FBI, United States Attorneys Offices, and the intelligence community. As AAG, I would work to continue the strong partnerships between the FBI and the National Security Division (NSD) and to maintain cooperative relationships now realized by agents, analysts, and prosecutors working side-by-side on investigations. NSD was created to ensure that criminal investigators and prosecutors on the one hand, and

intelligence lawyers and the intelligence community on the other, have the same information about the same terrorists and intelligence targets. If I identified an instance where information that should be shared was not being shared, I would work diligently to break down whatever barrier was impeding that communication and put in place a system to ensure that problem did not recur.

- b. As the Assistant Attorney General, will you have any problem separating yourself from the FBI, given your previous affiliation with that agency, and holding them accountable when needed?

No. If I am confirmed as the Assistant Attorney General for National Security, it will be part of my responsibility to provide oversight of intelligence, counterintelligence, and national security matters at the FBI to ensure conformity with applicable laws and regulations. My experience at the FBI will be an asset in my ability to do so as it will enable me to ask the right questions, probe the answers provided, and to work productively, efficiently and professionally to find and implement solutions to whatever issues and problems arise.

- c. The 9/11 Commission discussed information-sharing as a key problem in failing to “connect the dots”. In fact, they pointed out that the acting head of the Office of Intelligence Policy and Review complained to the Attorney General about the lack of information-sharing controls. As a result, he began imposing his own information-sharing procedures on Foreign Intelligence Surveillance Act (FISA) material. What protections are in place at the National Security Division to prevent this from happening again?

There are structural and procedural protections in place at the National Security Division (NSD) to ensure robust information sharing. First, the structure of the NSD is one way in which the Department’s and the government’s national security architecture ensure information sharing. Congress created the NSD in order to bring the Department’s national security functions under one roof and under one senior official reporting to the Deputy Attorney General and the Attorney General. In creating NSD and the position of the Assistant Attorney General for National Security, Congress ensured that there would be one place where both law enforcement investigators and intelligence lawyers could share and synthesize information. Today, national security investigators, intelligence lawyers, and prosecutors sit together, share information, expertise and perspective, and focus together on national security targets. Finally, the oversight responsibilities of the NSD – including national security reviews conducted by NSD lawyers along with lawyers from the FBI’s Office of General Counsel, and review by NSD of regular reporting regarding FBI’s national security investigations -- provide a check on the use of these authorities and an ability to identify and correct deficiencies in information sharing.

13. While you served as Associate Deputy Attorney General, were you involved in the Justice Department's decision in November 2009 to try 9/11 mastermind Khalid Sheikh Mohammed and four co-conspirators in Article III courts? Did you agree with that decision?

I was among a group of lawyers who participated in discussions regarding the disposition of the 9/11 conspirators. As the Attorney General said, he made his decision after considering carefully the full case presented to him by career prosecutors and after consulting with the Department of Defense. The Attorney General has also said that the 9/11 attacks were both an act of war and federal criminal violations and that his was a difficult decision on which reasonable persons could differ. I agree that it was a close call and that it is appropriate for the Attorney General to make such decisions. The Attorney General has now decided to refer the case to the military commissions in order to hold the 9/11 attackers accountable. If confirmed, my priority will be to assist the Department of Defense and the military commission proceeding to ensure that the 9/11 attackers are held accountable.

14. At your hearing we discussed the Attorney General's policy reversal regarding trying terrorists in military court. Specifically, I noted that although it was his opinion that the best venue for prosecution of terrorists was in federal court, he made a decision to try terrorists in a military court. He noted that he made his decision only because Congress forced him to do so. You indicated you agreed with the Attorney General's decision to try terrorists in a military tribunal.

- a. Do you have any doubts that military tribunals can be a successful tool in the prosecution of terrorists?

The military commissions system, as reformed through the Military Commissions Act of 2009, is an important tool in the effort to incapacitate terrorists and I have confidence the commissions can be used successfully to prosecute terrorists.

- b. Do you have any doubts about the constitutionality of military tribunals?

The Military Commissions system, as reformed by the Military Commissions Act of 2009, provides many of the same safeguards and protections that Americans associate with protections afforded for fair trials in the criminal justice system; I have no reason to doubt its constitutionality.

15. I also asked if you agreed with his opinion that the best venue for prosecution is in federal court and that Congress forced him to do otherwise. I do not believe you provided a clear answer to this question. Do you agree with the Attorney General that the best venue for prosecution of terrorists is in federal court rather than before military tribunals?

I agree with the Attorney General that both federal courts and military commissions are critical tools. As the President and the Attorney General have said, federal courts have proven over many years to be one of the most effective tools in the detention and incapacitation of terrorists and military commissions are also an important tool in combating terrorists and the threat they pose. As I indicated in my opening statement, we must ensure that we can use all tools to disrupt terrorist threats. In some cases the most effective tool may be prosecution in the criminal justice system while at other times it may be the use of military commissions, and in still other instances the use of military, intelligence or diplomatic assets may be the best method by which to incapacitate a particular terrorist threat.

16. In Attorney General Holder's public statement on this issue, he criticized Congress for encroaching on the "responsibility of the executive branch" and warned that it "could have serious ramifications" to our national security.
- a. Do you agree with the Attorney General that Congress inappropriately interfered with the executive branch?

I believe that Congress has an important role in both the authorization and oversight of the national security activities of the Executive Branch. As the President, the Attorney General and the Secretary of Defense have all indicated, the exercise of prosecutorial discretion has always been an Executive Branch function. I recognize that it is important to balance the roles of the respective branches in exercising national security responsibilities.

- b. What oversight role does Congress have with regard to executive branch decisions concerning national security?

I believe the Congress plays a unique and important role in oversight and authorization of the Executive Branch's national security activities. Under the National Security Act, Congress must be kept fully and currently informed of significant intelligence activities and has the responsibility to exercise appropriate oversight of the Executive's national security activities.

- c. If confirmed, will you cooperate with the Congress and its Committees in the exercise of its oversight responsibilities?

Yes.

17. The President, commenting on the decision to try the 9/11 co-conspirators in military tribunals instead of in Article III courts, stated: "To treat these folks as profoundly

different than the run-of-the-mill murderer or rapist is wrong in one respect - it elevates them." Do you agree with the President that subjecting terrorists to military tribunals elevates them?

I am not familiar with this statement or the context in which it was made. I understand that there are many deeply held and principled views regarding the choice of forum in which to prosecute the 9/11 attackers. I also understand that all seem to agree on the need to hold the 9/11 attackers accountable. I believe that the attacks of 9/11 were both an act of war and criminal violations and that it is appropriate to hold the 9/11 attackers accountable in military commissions.

18. Please describe with particularity the process by which these questions were answered.

I received these questions from the Office of Legislative Affairs on April 20, 2011. I then completed a draft of these answers and discussed them with colleagues within the Department of Justice. I then finalized my answers and authorized their transmission to the Committee.

19. Do these answers reflect your true and personal views?

Yes.